

scraping the resulting composition with a rough trowel to remove only an exterior skin from the resulting composition and to leave a smooth and even surface; and

allowing the resulting composition to harden, after the step of applying the resulting composition and before the step of scraping the resulting composition, for a time sufficient: (a) to prevent reformation of the resulting composition; (b) to prevent uneven scraping of the resulting composition by the rough trowel; and (c) to prevent any of the resulting composition from sticking to the rough trowel.

REMARKS

Claims 1-13 and 21-24 are pending. Claims 25-26 have been added to further recite applicant's invention. It is respectfully submitted that these amendments are supported by the application as originally filed including the specification, claims, abstract and the drawings and that no new matter has been added.

In the subject Office Action, the Examiner requested that the applicant "cite support (page/line citations) for the substantive amendments of claims 1, 2, 7 [and] 23." This request is now addressed.

Support for Pending Claims

Claim 1 was previously amended to recite that "the mortar surface has hardened sufficient to prevent removal of sub-surface, concrete-based mortar." Support for this amendment is found in the specification at page 13, lines 10-24 and page 14, lines 1-9. Specifically, the specification explains that "the mixture is allowed to set so that a skin begins to form on the exterior of the mixture." (Page 13, lines 10-13.) And, it further explains that a rough trowel is scraped against the mixture only after it dries enough so that it will not "stick[] to the spikes [] of the rough trowel." (Page 13, lines 24 - page 14, line 2.) Finally, it explains that the rough trowel then "removes the exterior skin" to leave a "smooth and even surface" without "uneven scraping of the wall." (Page 14, lines 2-9.)

As is further set forth in the attached Declaration of Eduardo Ramírez de Arellano, one of ordinary skill in the art would appreciate that the sub-surface or subcutaneous portion of the mixture is the portion that would stick to the rough trowel if it were not sufficiently dry. Thus, by following the instructions set forth in the specification, one of ordinary skill in the art necessarily would avoid removal of sub-surface or subcutaneous mixture.

Moreover, the plain text of the specification supports this reading of the specification. It expressly teaches removal of the "exterior skin." According to Webster's On-line Dictionary (available at www.webster.com), skin is defined as "the outside surface of a structure (as a ship or airplane)." Any reading of the specification to suggest that removing the "exterior skin" somehow means removing the inside, sub-surface or subcutaneous portion would conflict with its express language and plain meaning. And any reading of the specification that ignored these words ("exterior skin") would also ignore its clear teachings.

For these reasons, it is respectfully submitted that the amendments to the claims are supported by the specification as originally filed. Specifically, the amendments are supported both by the plain text and by the inherent teachings of the specification.

Claim 2 has been amended to recite that the portion of 1.2 millimeter particles is less than the portion of 0.18 millimeter particles. This is supported by the specification at page 10, lines 9-15. Specifically, this recites a mixture including a 2% portion of 1.2 millimeter particles and a 50% portion of 0.18 millimeter particles.

Claim 2 also has been amended to recite that the 1.2 millimeter particles are removed from the exterior portion but

not from the sub-surface portion. For the reasons set forth above with respect to claim 1, the specification also supports this element.

Claim 7 was amended to recite that "the resulting composition sufficiently hardens ... to prevent scoring lines." The specification expressly teaches that the composition is allowed to harden so that scraping with a rough trowel will leave a "smooth and even surface." (Page 14, lines 2-9.) It further teaches that the composition is hardened sufficient to "prevent[] uneven scraping of the wall." (Id.)

As is further set forth in the attached Declaration of Eduardo Ramírez de Arellano, one of ordinary skill in the art who followed these teachings would necessarily avoid the formation of scoring lines because the composition has hardened sufficient to prevent "uneven scraping" and to form a "smooth and even surface." This interpretation is further supported by the plain meaning of the terms in the specification. Referring again to Webster's On-Line Dictionary, one definition of "score" is "scrape." Since the specification expressly teaches forming a smooth and even surface by preventing uneven scraping, it by definition teaches preventing uneven scoring. Accordingly, it is respectfully submitted that the specification as originally filed supports claim 7 as amended.

Claim 23 has been amended to recite removal of the exterior skin but without removing subcutaneous (or sub-surface) mortar or particles. For the same reasons as set forth above with respect to claim 1, it is respectfully submitted that these amendments are supported by the application as originally filed.

Support for Newly Added Claims

Claim 25 has been added to further recite applicant's invention. It is supported by claim 21, from which it depends and is further supported by the specification. In particular, it follows the teachings of page 14, lines 2-9.

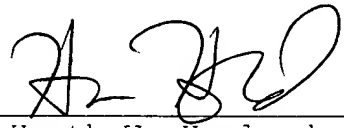
Claim 26 has been added to further recite applicant's invention. It is supported on the same grounds as claim 25. In addition, it recites the use of a rough trowel which is supported by the teachings of page 14, lines 2-6.

Conclusion

For the reasons set forth above, it is respectfully submitted that the application stands in condition for allowance. The Examiner's further consideration and favorable action are respectfully requested.

Respectfully submitted,

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